

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

**The Hon'ble Justice Ranjit Kumar Bag
& The Hon'ble Dr. Subesh Kumar Das**

Case No – OA 990 OF 2015

Subrata Bera vs The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3
14 23.04.2019	<p>For the Applicant : Mr. M.N. Roy, Learned Advocate.</p> <p>For the Respondents : Mrs. S. Agarwal, Learned Advocate.</p> <p>The applicant has prayed for direction upon the respondents for enhancement of remuneration of the applicant in terms of Memorandum No. 9008-F(P) dated September 16, 2011 and other Memorandums issued from time to time by the Finance Department, Audit Branch, Government of West Bengal and for implementation of the reasoned order passed by the Block Medical Officer of Health, Sabang Rural Hospital on June 4, 2015 (Annexure-G to the original application).</p> <p>The contention of the applicant is that he has been working as Pump Operator under Block Medical Officer of Health, Sabang from the year 2001 on receiving initially monthly remuneration of Rs.2000/- and thereafter monthly remuneration of Rs.3000/- till date. The further contention of the applicant is that he is entitled to get financial benefits as a casual full time employee of the Government of West Bengal in terms of Finance Department Memo. No. 9008-F(P) dated September 16, 2011 and subsequent memorandums issued in this regard from time to time by the Finance Department, Government of West</p>	

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Bengal.

Having heard Learned Counsel representing both parties and on consideration of the materials on record in general and the reasoned order dated June 4, 2015 passed by the Block Medical Officer of Health, Sabang in particular that the applicant has been working as Pump Operator by receiving remuneration from Rogi Kalyan Samiti, Sabang Rural Hospital. It may be that the applicant initially worked as Pump Operator by reporting to Block Medical Officer of Health, Sabang on November 3, 2001, but no authenticated document is forthcoming before the Tribunal to establish that the applicant received remuneration directly from the Government Exchequer at any material point of time. The state respondents have specifically stated in paragraph 5 of the reply that the applicant was engaged by Block Level Rogi Kalyan Samiti of Sabang as Pump Operator on part time basis and as such he is not entitled to get remuneration as full time casual employee in terms of Finance Department Memorandum No. 9008-F(P) dated September 16, 2011. In the absence of production of any valid document by the applicant to establish that the applicant has been working as a full time casual employee under Government of West Bengal, we are constrained to rely on the observation made by the Block Medical Officer of Health, Sabang in the reasoned order dated June 4, 2015 to the effect that the applicant has been working as a Pump Operator by receiving remuneration from Rogi Kalyan

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Samiti, Sabang. Since the applicant has been receiving remuneration from Rogi Kalyan Samiti, Sabang as part time Pump Operator, the applicant is not holding a civil post under the State of West Bengal and as such this Tribunal has no jurisdiction to decide the issue involved in the present application. That apart, the applicant is a part time Pump Operator for which he has been receiving remuneration @ Rs.3000/- per month which a part time casual employee working under Government of West Bengal is entitled to receive in terms of Finance Department Memorandum No. 7284-F (P2) F/0/2M-1 dated November 27, 2017.

In view of our above observation, the original application is **dismissed**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib